

DRAFT Minutes of the Closed Session and Regular Meeting of the City Council City of Santa Ana, California



May 2, 2023

CLOSED SESSION MEETING – 5:00 P.M.

REGULAR OPEN MEETING – 5:45 P.M.

(Immediately following the Closed Session Meeting)

CITY COUNCIL CHAMBER

22 Civic Center Plaza Santa Ana, CA 92701

CLOSED SESSION

CALL TO ORDER

MINUTES: Mayor Amezcua called the Closed Session Meeting to order at 5:07 P.M.

ATTENDANCE	Council Members	Phil Bacerra
		Johnathan Ryan Hernandez
		David Penaloza
		Thai Viet Phan
		Benjamin Vazquez
	Mayor Pro Tem	Jessie Lopez
	Mayor	Valerie Amezcua
	City Manager	Kristine Ridge
	City Attorney	Sonia R. Carvalho
	City Clerk	Jennifer L. Hall

ROLL CALL

MINUTES: City Clerk Jennifer L. Hall conducted roll call.

Councilmembers Bacerra, Penaloza, Phan, and Vazquez, Mayor Pro Tem Lopez, and Mayor Amezcua were present. Councilmember Hernandez joined the meeting during Closed Session.

ADDITIONS/DELETIONS TO CLOSED SESSION

MINUTES: City Attorney Sonia Carvalho announced the need to take immediate action on a potential Closed Session Agenda Item that became known following the posting of the agenda on April 25, 2023.

Councilmember Phan recused herself from the proposed Closed Session Agenda Item, as the listed entities are clients of her employers.

MOTION: Councilmember Bacerra moved to add the following Closed Session Item to the Agenda, seconded by Councilmember Penaloza.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code: City of Santa Ana v. Dyer 18 LLC, Orange County Superior Court, Case No. 30-2022-01248172.

The motion carried, 5-0-1-1, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA,
COUNCILMEMBER VAZQUEZ, MAYOR PRO TEM LOPEZ,
MAYOR AMEZCUA
NOES: NONE
ABSTAIN: COUNCILMEMBER PHAN (recusal)
ABSENT: COUNCILMEMBER HERNANDEZ
Status: 5 – 0 – 1 – 1 - **Pass**

PUBLIC COMMENTS – Members of the public may address the City Council on Closed Session items.

MINUTES: No public comments were received regarding Closed Session agenda items.

RECESS – City Council will recess to Closed Session for the purpose of conducting regular City business.

MINUTES: Mayor Amezcua recessed to consider the Closed Session items at 5:09 P.M.

CLOSED SESSION ITEMS – The Brown Act permits legislative bodies to discuss certain matters without members of the public present. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following matters will prejudice the position of the City in existing and anticipated litigation:

1. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6(a):

Agency Negotiators: Human Resources Executive Director, Jason Motsick Employee Organizations:

- Santa Ana Police Officers Association (POA)
- Service Employees' International Union (SEIU) Full-Time Employees

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code: City of Santa Ana v. Dyer 18 LLC, Orange County Superior Court, Case No. 30-2022-01248172.

CLOSED SESSION REPORT – The City Attorney will report on any action(s) from Closed Session.

RECONVENE – City Council will reconvene to continue regular City business.

CITY COUNCIL REGULAR OPEN SESSION

CALL TO ORDER

MINUTES: *Mayor Amezcua reconvened the Regular City Council Meeting at 6:45 P.M.*

ATTENDANCE	Council Members	Phil Bacerra Johnathan Ryan Hernandez David Penaloza Thai Viet Phan Benjamin Vazquez
	Mayor Pro Tem Mayor	Jessie Lopez Valerie Amezcua
	City Manager City Attorney City Clerk	Kristine Ridge Sonia R. Carvalho Jennifer Hall

ROLL CALL

MINUTES: *City Clerk Jennifer L. Hall conducted roll call.*

Councilmembers Bacerra, Hernandez (arrived at 6:49 P.M.), Penaloza, Phan, and Vazquez, Mayor Pro Tem Lopez, and Mayor Amezcua were present.

PLEDGE OF ALLEGIANCE

Carl Benninger

WORDS OF INSPIRATION

Cherry Lai, Tzu Chi Foundation Orange County Service Center

ADDITIONS/DELETIONS TO CLOSED SESSION

MINUTES: *City Clerk Jennifer L. Hall announced a clarification to the second proclamation declaring May 2023 as Asian American and Pacific Islander Heritage Month and the removal of the AB1234 Disclosure as the City did not pay for Mayor Pro Tem Lopez's attendance at the NALEO Policy Institute.*

CEREMONIAL PRESENTATIONS

1. Certificates of Recognition presented by Mayor Amezcua, Mayor Pro Tem Lopez, and Councilmember Bacerra to Santa Ana's Boys Youth Basketball Teams: the Miners, the Wildcats, and the Bruins for their Exceptional Athletic Performance.

MINUTES: *Mayor Amezcua, Mayor Pro Tem Lopez, and Councilmember Bacerra*

presented certificates of recognition to Santa Ana's Boys Youth Basketball Teams: the Miners, the Wildcats, and the Bruins for their Exceptional Athletic Performance.

2. Proclamation presented by Councilmember Phan to Asian Americans Advancing Justice Southern California declaring May 2023 as Asian Americans and Pacific Islander Heritage Month. **(revised 4/26/2023)**

MINUTES:

Councilmember Phan proclaimed May 2023 as Asian American and Pacific Islander Heritage Month and presented a proclamation to Asian American Advancing Justice Southern California.

CLOSED SESSION REPORT – The City Attorney will report on any action(s) from Closed Session.

MINUTES: *City Attorney Sonia Carvalho reported the City Council voted to add a second Closed Agenda Item related to existing litigation and there was no reportable action.*

PUBLIC COMMENT – Public comments will be held during the beginning of the meeting for ALL comments on agenda and non-agenda items, except for public hearings. Comments for public hearings will take place after the hearing is opened.

MINUTES:

The following speakers addressed Council via teleconference:

1. *Sonia Young Ruiz spoke regarding the non-renewal of the non-commitment agreement with Riverview Golf Course and expressed concern regarding park maintenance in her area.*
2. *Paul Sasiege spoke regarding a regional Park at the Riverview Golf Course.*
3. *Irma Jauregui spoke in support of Agenda Item No. 30 and requested there be additional public input on the item.*
4. *Mitra M. requested a resolution be placed on the agenda regarding condemning the regime of Iran at the next City Council meeting.*

The following speakers addressed Council in-person:

5. *John Hanna spoke in support of Agenda Item No. 26.*
6. *Farhad Marfie requested a resolution be placed on the agenda regarding condemning the regime of Iran.*

7. *Tannaz spoke in support of the certificates of recognition and requested a resolution be placed on the agenda regarding condemning the regime of Iran.*
8. *Martha Molina thanked the City Council for their attendance at Riverview Neighborhood meetings and spoke regarding the Riverview Golf Course.*
9. *Leonel Flores spoke regarding Agenda Item No. 30 and requested there be a public hearing for the item.*
10. *Fatima Karami requested a resolution be placed on the agenda regarding condemning the regime of Iran.*
11. *Jose Rea spoke in opposition to Agenda Item No. 30.*
12. *Soheyla Torabi requested a resolution be placed on the agenda regarding condemning the regime of Iran.*

City Clerk Jennifer L. Hall reported out the summary of email comments received: four (4) comments regarding Agenda Item No. 30 and Eighteen (18) non-agenda comments.

<u>CONSENT CALENDAR</u>

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 3 through 26 and waive reading of all resolutions and ordinances

MINUTES: *At 7:38 P.M., Councilmember Bacerra pulled Agenda Item No. 7, and Mayor Pro Tem Lopez pulled Agenda Item Nos. 9 and 24 for separate discussion and consideration.*

Councilmember Penaloza requested a brief comment on Agenda Item Nos. 14 and 17.

Councilmember Hernandez requested a brief comment on Agenda Item Nos. 17, 18, and 24.

Councilmember Phan requested a brief comment on Agenda Item No. 26.

Mayor Amezcua requested a brief comment on Agenda Item No. 12.

MOTION: Councilmember Penaloza moved to approve staff recommendations on the following Consent Calendar Items: 3 through 26 with the exception of Agenda Item Nos. 7, 9 and 24, seconded by Councilmember Bacerra.

The motion carried, 7-0, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER
HERNANDEZ, COUNCILMEMBER PENALOZA,
COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ,
MAYOR PRO TEM LOPEZ, MAYOR AMEZCUA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE
Status: 7 – 0 – Pass

3. Excused Absences

Department(s): City Clerk's Office

Recommended Action: Excuse the absent members.

4. Appoint Nadin Said Nominated by Councilmember Bacerra as the Ward 4 Representative to the Police Oversight Commission for a Full-Term Expiring December 8, 2026 (Continued from the City Council meeting of April 18, 2023, Item No. 9)

Department(s): City Clerk's Office

Recommended Action: Appoint Nadin Said to the Police Oversight Commission as the Ward 4 representative and administer Oath of Office.

MINUTES: *City Clerk Jennifer L. Hall administered the Oath of Office to Nadin Said.*

5. Appoint Carl Benninger Nominated by Councilmember Bacerra as the Ward 4 Representative to the Planning Commission for a Full-Term Expiring December 8, 2026

Department(s): City Clerk's Office

Recommended Action: Appoint Carl Benninger to the Planning Commission as the Ward 4 representative and administer Oath of Office.

MINUTES: *City Clerk Jennifer L. Hall administered the Oath of Office to Carl Benninger.*

6. Receive and File Single Audit Report for the Fiscal Year Ended June 30, 2022

Department(s): Finance and Management Services

Recommended Action: Receive and file Single Audit Report for the Fiscal Year Ended June 30, 2022.

7. Quarterly Report for Housing Division Projects and Activities for the Period of January 1, 2023 to March 31, 2023

Department(s): Community Development Agency

Recommended Action: Receive and file the Quarterly Report for Housing Division Projects and Activities for the period of January 1, 2023 to March 31, 2023.

MINUTES: *Councilmember Bacerra spoke regarding the housing project and homeownership, and thanked the Housing Division for their hard work and efforts.*

Discussion ensued regarding inclusionary housing funds received and qualifications, acceptance of applications for homeownership assistance, additional workshops and marketing related to the program, and loan forgiveness program for Santa Ana students/graduates.

Mayor Pro Tem Lopez thanked staff for all their hard work and efforts and spoke regarding the housing report and homeownership funds.

Councilmember Penaloza thanked staff for all their hard work and efforts.

Councilmember Phan spoke regarding upcoming workshops and expansion of the program.

MOTION: Councilmember Bacerra moved to approved the recommended action for Item No. 7, seconded by Councilmember Hernandez.

The motion carried, 7-0, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER
HERNANDEZ, COUNCILMEMBER PENALOZA,
COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ,
MAYOR PRO TEM LOPEZ, MAYOR AMEZCUA

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

Status: 7 – 0 – Pass

8. Approve Appropriation Adjustment Recognizing the Remaining Balance of Emergency Housing Voucher Service Fees

Department(s): Community Development Agency

Recommended Action: Approve an appropriation adjustment for Emergency Housing Voucher Service Fees in the amount of \$155,750. *(requires five affirmative votes)*

9. Biennial Modification to the Program Year (PY) 2021-24 Regional and Local Workforce Plan for Grant Funds Received from the Federal Title I Workforce Innovation and Opportunity Act

Department(s): Community Development Agency

Recommended Action:

1. Approve the modification to the Regional and Unified Local Plan for PY 2021-24 and direct staff to submit to the California Workforce Development Board and State of California Employment Development Department.
2. Authorize the Mayor to execute all documents necessary for the submission of the PY 2021-24 modified Regional and Unified Local Plan.
3. Authorize staff to submit revisions to the PY 2021-24 Regional and Unified Local Plan should they be necessary as requested by the California Workforce Development Board or California Employment Development Department.

MINUTES: *Mayor Pro Tem Lopez spoke regarding the report and expressed concern regarding low income laborers and receiving federal monies and commented on the Inflation Reduction Act. She requested to meet with the Federal lobbyist.*

City Manager Kristine Ridge stated staff would look to identify resources in receiving funding.

MOTION: Mayor Pro Tem Lopez moved to approve the recommended action for Agenda Item No. 9, seconded by Councilmember Hernandez.

The motion carried, 7-0, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER
HERNANDEZ, COUNCILMEMBER PENALOZA,
COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ,
MAYOR PRO TEM LOPEZ, MAYOR AMEZCUA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE
Status: 7 – 0 – Pass

10. Master Agreement with Qualified Schools to Provide Vocational Training with Federal Workforce Innovation and Opportunity Act (WIOA) and Orange County Social Services Grant Funds for Fiscal Year 2023-24 through Fiscal Year 2026-27(Non-General Fund)

Department(s): Community Development Agency

Recommended Action:

1. Authorize the City Manager to execute a master agreement, for a total aggregate amount not to exceed \$2,765,820 payable from federal Workforce Innovation and Opportunity Act and Orange County Social Services grant funds, for a four- year period expiring June 30, 2027, with a school or training provider listed on the State Employment Training Provider List (ETPL), to deliver occupational skills training on an as needed basis to unemployed and low-income individuals, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-069**).
2. Approve schools and training programs listed on the State of California's Eligible Training Provider List to be used on an as needed basis to provide occupational training under the guidelines of the Workforce Innovation and Opportunity Act.

11. Grant an Easement to Southern California Edison to Allow Underground Power to Serve a Traffic Signal (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an Easement Deed granting Southern California Edison the right to own, place, and maintain power conduits and conductors underground to serve APN 016-035-14.

12. Award a Purchase Order to Landscape Structures, Inc. to Provide and Install a Universally Accessible Playground at Thornton Park in the Amount of \$2,042,277 (Specification No. 23-059) (Project No. 23-2602) (General and Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize a one-time purchase and payment to Landscape Structures, Inc. to furnish and install a universally accessible playground at Thornton Park in the amount of \$2,042,277, plus a contingency of \$306,342 for a total amount not to exceed \$2,348,619, subject to non-substantive changes approved by the City Manager and City Attorney.

MINUTES: *Mayor Amezcua thanked the City Manager and City staff for all their hard work and efforts and commented on the importance of universally accessible playgrounds.*

13. Award a Purchase Order to Amtech Elevator Services to Replace the Elevator Cylinder at the Santa Ana Regional Transportation Center in the Amount of \$141,945 (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize a one-time Purchase Order and payment to Amtech Elevator Services for the replacement of the elevator cylinder at the Santa Ana Regional Transportation Center in the amount of \$141,945, plus a contingency of \$30,900 for a total amount not to exceed \$172,845, subject to non-substantive

changes approved by the City Manager and City Attorney.

14. Award a Construction Contract to Vido Samarzich, Inc. in the Amount of \$978,455 for the Glenwood Place Water Improvements Project, with an Estimated Project Delivery Cost of \$1,300,000 (Project No. 23-6476) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action:

1. Award a construction contract to Vido Samarzich, Inc., the lowest responsible bidder, in accordance with the base bid in the amount of \$978,455 for the construction of the Glenwood Place Water Improvements Project, for the term beginning April 18, 2023 and ending upon project completion, and authorize the City Manager to execute the contract subject to non-substantive changes approved by the City Manager and the City Attorney.
2. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$1,300,000, which includes \$978,455 for the construction contract, \$146,768 for contract administration, inspection, and testing, and a \$174,777 project contingency for unanticipated or unforeseen work.
3. Determine these actions are exempt from further review in accordance with the California Environmental Quality Act as Categorical Exemption Environmental Review No. ER-2023-26 was filed for the project.

MINUTES: Councilmember Penaloza requested there be proper outreach to impacted businesses due to the construction and spoke in support of the item.

15. Award a Construction Contract to Pacific Hydrotech Corp. in the Amount of \$12,795,865 for the Well 32 Rehabilitation Project, with an Estimated Project Delivery Cost of \$16,634,625 (Project No. 13-6433) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action:

1. Award a construction contract to Pacific Hydrotech Corp., the lowest responsible bidder, in accordance with the base bid in the amount of \$12,795,865 for construction of the Well 32 Rehabilitation Project, for a term beginning May 2, 2023, and ending upon project completion, and authorize the City Manager to execute the contract subject to non-substantive changes approved by the City Manager and the City Attorney.
2. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$16,634,625, which includes \$12,795,865 for the construction contract, \$1,224,820 for contract management, \$694,560 for contract administration, inspection, and testing, and a \$1,919,380 project contingency for unanticipated or unforeseen work.

16. **Approve Agreements with Johnson-Frank & Associates, Inc., Stantec Consulting Services, Inc., and Towill, Inc. for On-Call Professional Land Surveying Services, with an Aggregate Amount Not to Exceed \$2,450,000 for Three-Year Terms (RFP No. 19-090) (Non-General Fund)**

Department(s): Public Works Agency

Recommended Action:

1. Authorize the City Manager to execute federal Caltrans agreements with Johnson-Frank & Associates, Inc., Stantec Consulting Services, Inc., and Towill, Inc. to provide on-call land surveying services on an as-needed basis, in an aggregate amount not to exceed \$950,000 for a three-year term beginning May 2, 2023 and expiring May 1, 2026, with an option for two, one-year extensions, subject to non- substantive changes approved by the City Manager and City Attorney **(Agreement No. 2023-071)**.
 2. Authorize the City Manager to execute non-federal agreements with Johnson-Frank & Associates, Inc., Stantec Consulting Services, Inc., and Towill, Inc. to provide On-Call Land Surveying Services on an as-needed basis, in an aggregate amount not to exceed \$1,500,000 for a three-year term beginning May 2, 2023 and expiring May 1, 2026, with an option for two, one-year extensions, subject to non-substantive changes approved by the City Manager and City Attorney **(Agreement No. 2023-072)**.
17. **Approve an Agreement with David Evans and Associates, Inc. in an Amount Not to Exceed \$410,000 for the Landscape Architectural Design Services for a New Park at 10th St. and Flower St. for a Three-Year Term (Project No. 22-1342) (Revive Santa Ana Program)**

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an agreement with David Evans and Associates, Inc. to provide design, development of contract documents, and construction support for the proposed 10th and Flower Park project in the amount of \$369,455, with a contingency of \$40,545 for a total amount not to exceed \$410,000, for a three-year term beginning May 2, 2023 and expiring May 1, 2026, with an option for two, one-year extensions, subject to non-substantive changes approved by the City Manager and City Attorney **(Agreement No. 2023-073)**.

MINUTES: Councilmember Hernandez commented on the forthcoming Park at 10th St and Flower.

Councilmember Penaloza spoke in support of the item.

18. **Amend Agreement with David Evans and Associates, Inc. for Design and Construction Support Services for the Standard – McFadden Park Project by an Additional \$50,000 for the Remainder of the Agreement Term (Project No. 20-2729) (Non-General Fund)**

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a first amendment to the agreement with David Evans and Associates, Inc. to provide design, development, and contract documents for the proposed Standard-McFadden Park project, to increase the contract by \$43,505, with an approximate 15 percent contingency, for a total not to exceed amount of \$50,000, for the remainder of the agreement term through August 16, 2024, subject to non-substantive changes approved by the City Manager and City Attorney **(Agreement No. 2023-074)**.

MINUTES: Councilmember Hernandez expressed excitement for the new park services.

19. **Approve Agreements with AESCO, Inc., Alta Planning + Design, Inc., CWE, IDS Group, Inc., J. Smith & T. Muli, Inc., KPFF Consulting Engineers, Psomas, Shannon & Wilson, Tait & Associates, Inc., and Willdan Engineering for On-Call Engineering Services in an Aggregate Amount Not to Exceed \$5,000,000 for up to a Five-Year Term (General and Non-General Fund)**

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute agreements with AESCO, Inc., Alta Planning + Design, Inc., CWE; IDS Group, Inc., J. Smith & T. Muli, Inc., KPFF Consulting Engineers, Psomas, Shannon & Wilson, Tait & Associates, Inc., and Willdan Engineering, to provide on-call engineering services for a shared aggregate amount not to exceed \$5,000,000, for a three-year term beginning May 2, 2023 and expiring May 1, 2026, with provisions for two, one-year extensions, subject to non- substantive changes approved by the City Manager and City Attorney **(Agreement No. 2023-075)**.

20. **Approve Agreements with Bruce Anderson Enterprises, Inc. dba A's Construction, EBS General Engineering, Inc., Palp, Inc. dba Excel Paving Co., Hardy & Harper, Inc., Vido Samarzich, Inc., and We R Builders, Inc. for Emergency Asphalt and Portland Cement Concrete (PCC) Services for a Total Amount Not to Exceed \$3,000,000 for up to a Five- Year Term (Non-General Fund)**

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute agreements with Bruce Anderson Enterprises, Inc. dba A's Construction, EBS General Engineering, Inc., Palp, Inc. dba Excel Paving Co., Hardy & Harper, Inc., Vido Samarzich, Inc., and We R Builders, Inc. to provide on-call asphalt and concrete placement services for a shared aggregate amount not to exceed \$3,000,000, for a three-year term beginning

May 2, 2023 and expiring May 1, 2026 with provisions for two, one-year extensions, subject to non- substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-076**).

21. **Approve Amendment to Agreement with TSYS Merchant Solutions, LLC DBA Global Payments, Inc. for Online Debit and Credit Card and Electronic Fund Transfer Automated Clearing House (ACH) Merchant Payment Processing Services, Support and Maintenance, and Purchase of Point-of-Sale Payment Terminals for a New Agreement Amount Not to Exceed \$2,022,400**

Department(s): Finance and Management Services

Recommended Action: Authorize the City Manager to execute a second amendment to the agreement with TSYS Merchant Solutions, LLC, doing business as Global Payments, Inc., for online debit and credit card payment processing, electronic fund transfer Automated Clearing House (“ACH”) payment processing, support and maintenance, and purchase of payment terminals. The amendment includes a base contract increase in the amount of \$4,000 and general contingency increase in the amount of \$120,000, for a new agreement amount not to exceed \$2,022,400. The not to exceed amount includes a general contingency of \$362,400 over the maximum life of the agreement. The amendment adds a base term commencing May 2, 2023 and expiring December 31, 2025, with provision for two renewal options (a three-year and a one-year), subject to non- substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-077**).

22. **Agreement with HCI Systems, Inc. for Fire Alarm System Devices Upgrade, Testing, Inspection, and Repair Services (General Fund)**

Department(s): Police Department

Recommended Action:

1. Authorize the City Manager to execute an agreement with HCI Systems, Inc. for upgrades to the fire alarm system devices at the Police Administration and Jail Buildings and testing and inspection services for a three-year period from May 2, 2023 to June 30, 2026 in the amount of \$837,792, plus a contingency of \$40,000, for a total amount not to exceed \$877,792, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-078**).
2. Approve an amendment to the Fiscal Year 2022-2023 Capital Improvement Program to include the Fire Alarm System Devices Upgrade project.

23. **Adopt a Resolution for Fiscal Year 2023 Homeland Security Grant Program Funding in the Amount of \$5,113,750**

Department(s): Police Department

Recommended Action: Adopt Resolution No. 2023-021 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE CITY

MANAGER AND THE CHIEF OF POLICE OR THEIR DESIGNEE(S) TO ENTER INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES FOR THE FY2023 URBAN AREA SECURITY INITIATIVE FUNDING PROGRAM (authorizing the City Manager and/or the Chief of Police or their designee(s), to apply for the FY 2023 Urban Area Security Initiative grant and upon award, enter into an agreement with the State of California, California Governor's Office of Emergency Services for the period September 1, 2023 through August 31, 2026, in the amount of \$5,113,750, of which \$835,000 is obligated to the Orange County Intelligence Assessment Center (**Agreement No. 2023-079**)).

24. Resolution Accepting the Donation of Science, Technology, Engineering, and Mathematics (STEM) Focused Amenities at Madison Park and Angels Community Park from the University of California Irvine School of Education, and a Donation Agreement with the University of California Irvine School of Education for the Installation of these Amenities at Madison Park and Angels Community Park

Department(s): Parks, Recreation, and Community Services

Recommended Action:

1. Adopt Resolution No. 2023-022 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ACCEPTING THE DONATION OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) FOCUSED AMENITIES FROM THE UNIVERSITY OF CALIFORNIA, IRVINE SCHOOL OF EDUCATION TO PROMOTE STEM LEARNING OPPORTUNITIES AT MADISON PARK AND ANGELS COMMUNITY PARK
2. Authorize the City Manager to execute a donation agreement with The Regents of the University of California, Irvine School of Education for the installation of the STEM-focused amenities at Madison Park and Angels Community Park. The amenities are valued at approximately \$249,000 and will come at no cost to the City. The agreement is valid from April 18, 2023, through December 31, 2023, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-080**).

MINUTES: Councilmember Hernandez spoke in support of the item and regarding the new opportunities.

Mayor Pro Tem Lopez thanked all in partnership with the City regarding the project and spoke in support of the item.

Mayor Amezcua questioned the cost to the City.

City Manager Kristine Ridge clarified the City has no obligations to the project.

MOTION: Mayor Pro Tem Lopez moved to approve the recommended action for Item No. 24, seconded by Councilmember Penaloza.

The motion carried, 7-0, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER
HERNANDEZ, COUNCILMEMBER PENALOZA,
COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ,
MAYOR PRO TEM LOPEZ, MAYOR AMEZCUA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE
Status: 7 – 0 – Pass

25. Adopt Resolution for State of California Grant and Approve Appropriation Adjustment Recognizing \$9,000,000 of State Grant Funds for the Modernization of the Santa Ana Civic Center

Department(s): Community Development Agency

Recommended Action:

1. Adopt Resolution No. 2023-023 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING APPLICATION FOR SPECIFIED GRANT FUNDS FROM BUDGET ACT 2022/23 (BUDGET ACT OF 2022, AB179, CHAPTER 249, CONTROL SECTION 19.56, ITEM 3790-101-0001(K) OTHER COMMUNITY SERVICES, (24) \$9,000,000 TO THE CITY OF SANTA ANA FOR THE MODERNIZATION OF THE SANTA ANA CIVIC CENTER (SACC)) **(Grant Contract No. 25, Agreement No. 2023-081)**
2. Approve an Appropriation Adjustment recognizing State of California Grant Funds in the amount of \$9,000,000. *(requires five affirmative votes)*

26. Adopt Ordinance No. NS-3039 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SANTA ANA MUNICIPAL CODE SECTION 8-6 RELATING TO LICENSE REQUIREMENTS OF CONTRACTORS AND SUBCONTRACTORS (includes determination that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment, and it is not a “project,” as defined in Section 15378 of the CEQA Guidelines)

First reading at the April 18, 2023 City Council meeting, approved by a vote of 7-0.

Published in the Orange County Reporter on April 21, 2023.

Department(s): Planning and Building Agency

Recommended Action: Place ordinance for second reading and adopt.

****END OF CONSENT CALENDAR****

AT 8:16 P.M. AGENDA ITEM NO. 30 WAS CONSIDERED OUT OF ORDER AND HEARD PRIOR TO PUBLIC HEARINGS.

30. Discuss Request to “Call Up” Planning Commission Item Conditional Use Permit No. 2023-09, Request to Upgrade the Existing Type 41 On-Sale Alcoholic Beverage Control (ABC) License to a Type 47 On-Sale Alcoholic Beverage Control (ABC) License to Allow the On-Premises Sale of Beer, Wine, and Distilled Spirits at an Existing Eating Establishment Located at 1208 East McFadden Avenue located within the Planned Shopping Center (C4) Zoning District (Mariscos Hector Sports Grill) and Consider Scheduling a Public Hearing – Councilmember Penaloza

MINUTES: *Councilmember Penaloza requested an additional public hearing for the item.*

Councilmember Bacerra expressed support for a public hearing.

Councilmember Hernandez expressed support for a public hearing.

MOTION: Councilmember Penaloza moved to schedule a public hearing for the Planning Commission Item Conditional Use Permit No. 2023-09, Request to Upgrade the Existing Type 41 On-Sale Alcoholic Beverage Control (ABC) License to a Type 47 On-Sale Alcoholic Beverage Control (ABC) License to Allow the On-Premises Sale of Beer, Wine, and Distilled Spirits at an Existing Eating Establishment Located at 1208 East McFadden Avenue located within the Planned Shopping Center (C4) Zoning District (Mariscos Hector Sports Grill), seconded by Councilmember Bacerra.

The motion carried, 7-0, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER
HERNANDEZ, COUNCILMEMBER PENALOZA,
COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ,
MAYOR PRO TEM LOPEZ, MAYOR AMEZCUA

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

Status: 7 – 0 - **Pass**

PUBLIC HEARINGS

PUBLIC COMMENTS – Members of the public may address the City Council on each of the Public Hearing items.

27. Public Hearing – Approve the Fiscal Year 2023-24 Annual Action Plan and Budgets for the Community Development Block Grant, HOME Investment Partnerships Grant, and Emergency Solutions Grant, and Authorize Submission to the U.S. Department of Housing and Urban Development

Legal Notice published in the Orange County Register, La Opinion, and Nguoi Viet on March 20, 2023.

Department(s): Community Development Agency

Recommended Action:

1. Approve the Fiscal Year 2023-24 Annual Action Plan and authorize submission to the U.S. Department of Housing and Urban Development.
2. Approve the Fiscal Year 2023-24 budgets for the Community Development Block Grant program in the total amount of \$4,808,057; HOME Investment Partnerships grant in the amount of \$1,605,667 from Grant Year 2023 allocation and a re-allocation of \$6,180,123 in prior year program funds; and Emergency Solutions Grant in the amount of \$447,249 from Grant Year 2023 allocation. All proposed activities' budgets will be proportionally increased or decreased from the estimated funding levels to match actual allocation amounts.
3. Direct the City Attorney to finalize and authorize the City Manager to execute memorandums of understandings with various city departments awarded funds as part of the approved Community Development Block Grant program budget for a term beginning July 1, 2023 through June 30, 2026, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-082**).
4. Direct the City Attorney to finalize and authorize the City Manager to execute a memorandum of understanding with the Santa Ana Police Department and agreements with non-profit homeless service providers awarded funds as part of the approved Emergency Solutions Grant program budget for a term beginning July 1, 2023 through June 30, 2024, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-083**).
5. Direct the City Attorney to finalize and authorize the City Manager to execute amendments to the current Community Development Block Grant subrecipient agreements for America on Track, The Delhi Center, and the Orange County Children's Therapeutic Arts Center (**Agreement No. 2023-084**).

MINUTES: Mayor Amezcua reported a recusal on a portion of the Public Hearing related to Neutral Ground and left the dais at 8:19 P.M..

MOTION: Councilmember Phan moved to bifurcate the Agenda Item to consider the Public Hearing via two separate actions, seconded by Councilmember Vazquez.

The motion carried, 6-0-1, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER
HERNANDEZ, COUNCILMEMBER PENALOZA,
COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ,
MAYOR PRO TEM LOPEZ
NOES: NONE
ABSTAIN: MAYOR AMEZCUA (recusal)
ABSENT: NONE
Status: 6 – 0 – 1 – **Pass**

MINUTES: *Mayor Pro Tem Lopez opened the public hearing at 8:21 P.M.*

There being no speakers, Mayor Pro Tem Lopez closed the public hearing at 8:21 P.M.

Councilmember Hernandez spoke in support of the item and thanked City staff for their hard work and efforts.

Councilmember Bacerra thanked all for their hard work.

MOTION: Councilmember Phan moved to approve the allocation to Neutral Ground, seconded by Councilmember Vazquez.

The motion carried, 6-0-1, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER
HERNANDEZ, COUNCILMEMBER PENALOZA,
COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ,
MAYOR PRO TEM LOPEZ
NOES: NONE
ABSTAIN: MAYOR AMEZCUA (recusal)
ABSENT: NONE
Status: 6 – 0 – 1 – **Pass**

MINUTES: *Mayor Amezcua returned to the dais at 8:26 P.M.*

MOTION: Councilmember Hernandez moved to approve the remainder of the recommended action for Public Hearing Item No. 27, seconded by Councilmember Bacerra.

MINUTES: *Discussion ensued regarding Community Development Block Grant allocation of funds, marketing available programs to residents, and County-wide organization programs.*

City Clerk Jennifer Hall stated there was one (1) e-comment received for the item.

The motion carried, 7-0, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER
HERNANDEZ, COUNCILMEMBER PENALOZA,
COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ,
MAYOR PRO TEM LOPEZ, MAYOR AMEZCUA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE
Status: 7 – 0 – Pass

<u>WORK STUDY SESSION</u>

MINUTES: At 8:35 P.M., the Work Study Session was considered.

28. Fiscal Year 2023-24 Budget Work Study Session

Department(s): Finance and Management Services

Recommended Action: Discuss and provide direction to staff.

MINUTES: Finance Director Kathryn Downs gave a presentation regarding the budget workshop.

The following speakers addressed Council in-person:

- 1. Carl Benninger spoke regarding the CERT program and requested funds for the program.*
- 2. Dale Helvig requested funding for additional expansion of the Discovery Science Center*

Councilmember Vazquez spoke regarding crime reduction and building character of the community.

Councilmember Hernandez thanked staff for the presentation, commented on community concerns, and spoke in support of additional park space, teen center, investing on crime reduction programs, addressing homelessness, local excursions, boxing, afterschool programs, and the proposed City event budget. He spoke regarding allocation of funding.

Councilmember Phan spoke regarding the need for additional park space, teen excursions, Discovery Cube, and the proposed City event budget. She requested the Boards and Commission budget be doubled and increased in range, and spoke in opposition to additional funds for animal control services. She expressed concern regarding the crossing guard expenditure.

Mayor Pro Tem Lopez spoke in support of the Waste Hauler donations, Discovery Science Center, teen excursion program, Fiestas Patrias at Downtown Santa Ana, and maintaining Juneteenth. She spoke regarding implementing a Measure X sunset plan and workforce development budget, requested a designated fund for traffic roundabouts, promotion of public transportation, additions of cameras in prominent intersections, fitness programs, funding for Santiago Park restrooms, shading area in play areas, and environmental commitments, and asked for clarifications on fees.

Finance Director Downs spoke regarding increased fees.

Councilmember Bacerra spoke in support of the budget, regarding funding of eight additional police officers to fill vacancies, and requested two Patrol Officers be allocated for the Downtown Area and two additional Patrol Officers be allocated to the South Bristol Corridor. He spoke regarding traffic signals, installation of cameras at Alton Bike Trail, maintaining a portion of Griset Park for a Dog Park, and generating fund revenue items.

Councilmember Penaloza spoke in support of the budget and spoke in opposition to crossing guard funds, future park expansion of park at Bristol and Warner, Winter Village, and Indigenous People's Day, spoke in support of the community events and requested non-residents participating in 5K Run be charged a nominal fee. He spoke regarding selling alcohol at the Zoo, requested an update on splash pads, and asked for clarification regarding costs involved with animal control services.

City Manager Kristine Ridge spoke regarding costs with animal control services.

Councilmember Vazquez spoke regarding community event expenses and funds and crossing guards, and spoke in support of the budget.

Councilmember Hernandez spoke in support of the Cannabis Festival and spoke regarding expenses related to the festival and generating additional revenue.

Mayor Amezcua spoke regarding community participation in the City budget workshop, top two and two lowest budget priorities, fee increases, free rental of Parks, Discovery Science Center expansion, Fiesta Patrias, and expressed concern regarding the Cannabis Festival and crossing guards. She requested the City hire additional Code Enforcement Personnel and spoke regarding Measure X, prevention programs for crimes, quality of life, and fiscal responsibility.

City Manager Ridge spoke regarding the Cannabis Festival.

General consensus provided to generate additional revenue.

COUNCILMEMBER REQUESTED ITEMS

29. Discuss and Consider Directing the City Attorney and City Manager to Make a Public Report on the Homeless Federal Agreement and the City's Plans to Address Enforcement and Impacts Related to the Upcoming Expiration of the Agreement as it Relates to Funding, Clean-Ups, and Shelter Services – Mayor Amezcua

MINUTES: Mayor Amezcua spoke regarding the Item, requested the item be postponed due to litigation, and requested an informational report be sent to the Council within 30-days.

Councilmember Penaloza expressed support for the item.

30. AGENDA ITEM NO. 30 WAS CONSIDERED OUT OF ORDER AND HEARD PRIOR TO PUBLIC HEARINGS.

MINUTES: At 10:34 P.M., Mayor Amezcua recessed the City Council meeting to address the Housing Authority agenda and reconvened at 10:36 p.m.

CITY MANAGER COMMENTS

MINUTES: City Manager Kristine Ridge announced the Public Works Department as award recipients and spoke regarding the Orange County Marathon.

COUNCIL COMMENTS

AB1234 DISCLOSURE – If the City paid for travel or other expenses this is the time for members of the Council to provide a brief oral report on attendance of any regional board or commission meeting or any conference, meeting or event attended.

1. April 26 – 28, 2023 Mayor Pro Tem Lopez – NALEO Policy Institute on Economic Mobility Conference in New York, NY

MINUTES: Councilmember Vazquez spoke regarding International Workers Day.

Councilmember Hernandez thanked residents for their participation.

Councilmember Phan thanked non-profit partners and volunteers for their assistance in Ward 1, spoke regarding April 30 as Black April Month, and wished everyone a Happy Mothers Day!

Councilmember Bacerra spoke regarding the Orange County Marathon and announced his office hours on Saturday, May 6, 2023 at 10:00 A.M. at George Upton Park.

Councilmember Penaloza commented on the Orange County Marathon costs and wished everyone a Happy Mothers Day!

Mayor Amezcua spoke regarding a community walk at Wilshire Square area, Victims Memorial, Fire Department ride along, and congratulated and thanked staff for all their help and hard work. She wished everyone a Happy Mothers Day!

ADJOURNMENT – Adjourn the City Council meeting and convene to the Housing Authority meeting.

MINUTES: Mayor Amezcua adjourned the City Council meeting at 10:45 P.M.

Respectfully submitted:

Jennifer L. Hall, CMC
City Clerk